

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANTHONY LEE,

Plaintiff,

v.

Civ. No. 09-0357 CG

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED

THIS MATTER is before the Court *sua sponte*. The FEDERAL RULES OF CIVIL PROCEDURE require that a Plaintiff serve a Defendant with a summons and a copy of the complaint within 120 days after the complaint is filed. FED. R. CIV. P. 4(c), (m).

In this case, Plaintiff filed his Complaint (Doc. 1) on April 13, 2009. The docket reflects no evidence of service or of waiver of service since that time. See FED. R. CIV. P. 4(c), (d).

IT IS THEREFORE ORDERED that within fourteen (14) days from the entry of this order, Plaintiff shall show cause why this case should not be dismissed without prejudice pursuant to FED. R. CIV. P. 4(m).

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE